

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)
)
)
)
v.) **CRIMINAL ACTION**
) **NO. 05-10003-NMG**
ARTHUR GIANELLI, ET AL,)
Defendants,)
)
)

STATUS REPORT
January 4, 2006

SWARTWOOD, C.M.J.

The following is a Status Report to Gorton, J. to whom this case is assigned:

1. Rule 11 Hearings

Defendants, Deeb Homsi, Tony Daniels, Todd Westerman and Weshtod Consultants have had their cases referred to Judge Gorton for a Rule 11 hearing.

2. Remaining Defendants

As a result of Mr. Westerman and his corporation pleading guilty and cooperating with the Government, additional discovery has been produced by the Government. All defense counsel have requested additional time not only to complete their review of discovery previously produced by the Government, but also review additional discovery more recently produced by the Government. I have granted that request.

3. Further Status Conference

A further status conference shall be held in this case on March 6, 2006, at 2:15 p.m., in Courtroom 1, Fifth Floor, Donohue Federal Building, United States Courthouse, 595 Main Street, Worcester, Massachusetts. **It will be necessary for all counsel to appear in person for this status conference or if you are unable to appear, to appoint other counsel to represent you at this conference.**

4. Excludable Time

At the request of the Government and without objection from counsel for the parties, I am excluding from the Speedy Trial Act, the period from January 4, 2006 (date of expiration of prior order of excludable time) through March 6, 2006 (date by which Defendants and their counsel will have completed their review of discovery produced by the Government in this case). Therefore, assuming no further order of excludable time under the plan for prompt disposition of criminal cases, this case must be tried on or before Monday, May 15, 2006.

/s/Charles B. Swartwood, III
CHARLES B. SWARTWOOD, III
CHIEF MAGISTRATE JUDGE